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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,706	11/20/2000	Raghunath Vitthal Chaudhari	U 013054-6	6784

7590 01/08/2003
Janet I Cord
Ladas & Parry
26 West 61 Street
New York, NY 10023

EXAMINER

PRICE, ELVIS O

ART UNIT	PAPER NUMBER
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1621

DATE MAILED: 01/08/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/716,706

Applicant(s)

CHAUDHARI ET AL.

Examiner

Elvis O. Price

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-18 is/are allowed.
- 6) ☒ Claim(s) 1² 13-14 and 19-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Claims 12-23 are pending in the application.
2. Claims 1-11 have been cancelled by applicants' amendments filed 10/23/02.
3. Applicants' amendments, filed 10/23/02, have overcome the 35 USC 102(b) rejections issued in the office action dated 4/19/02. However, the Examiner has issued the following new rejections.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukuda {Bull. Chem. Soc. Japan (1958), 31, pp. 343-7}.

Fukuda discloses a hydrogenation catalyst comprised of a Group IIA metal support (barium carbonate) and a noble metal (Palladium) (see Tables I and II).

Claims 14 and 22 is rejected under 35 U.S.C. 102(b) as being anticipated by Crombie et al. {J. Chem. Soc. (1950), pp. 1707-14}.

Crombie et al. disclose a hydrogenation catalyst comprised of a Group IIA metal support (calcium carbonate) and a noble metal (Platinum) (see abstract; PtCaCO₃ hydrogenation catalyst).

Claims 13 and 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Ring et al. {DD 294488}.

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Ring et al. disclose a hydrogenation catalyst comprised of a Group IIA metal support (magnesium carbonate) and a noble metal (Palladium) (see abstract; Pd-MgCO₃ hydrogenation catalyst).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-14 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chaudhari et al. {US Pat. 5, 650,546}, in view of Browning et al. {US Pat. 3,901,822}.

Applicants claim a hydrogenation catalyst of the general formula AB(y)C(z) wherein A is a support selected from a salt of a Group II metal and the Group II metal is selected from the group consisting of magnesium, calcium and barium and the salt is selected from the group consisting of acetates, nitrates, carbonates and chlorides, , B is Pt and Pd, y is 0.2 to 10%, C is nickel and z is 0 to 15% with the proviso that when B is Pt, z is 0.

Chaudhari et al. teach hydrogenation catalysts that are used for the hydrogenation of organic compounds. Chaudhari et al. teach that the catalysts can be compounds such as platinum metal carbonates, halides, etc. (Col. 4, lines 6-12). The difference between the presently claimed invention and what is taught in the Chaudhari

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et al. reference is that the reference does not teach the specific hydrogenation catalyst as claimed (eg. Pt/MgCO₃, Pt/CaCO₃, Pt/BaCO₃).

Browning et al. teach noble metal hydrogenation catalyst that may be supported on, inter-alia, magnesium carbonate, and the like (Col. 2, lines 26-34). Browning et al. teach that the noble metals, which constitute the hydrogenation catalysts, are palladium, platinum, etc.

It would have been *prima facie* obvious to one having ordinary skill in the art, in view of the teachings of the Chaudhari et al. and the Browning et al. references, to arrive at the presently claimed hydrogenation catalyst because Chaudhari et al. teach hydrogenation catalyst such as platinum metal carbonates, halides etc., and Browning et al. teach noble metal hydrogenation catalysts wherein the metals are selected from palladium or platinum and the said metals are supported on metal carbonates (such as magnesium carbonate and the like).

One having ordinary skill in the art would have been motivated, in view of the references cited, to arrive at noble metal hydrogenation catalysts consisting of palladium or platinum supported on Group IIA metal carbonates (such as magnesium calcium, or barium carbonate) or halides (such as chlorides). The skill artisan would have been motivated to develop other noble metal hydrogenation catalysts, depending on cost and availability, which may be used for the hydrogenation of organic compounds. The instantly claimed invention would therefore have been obvious to one having ordinary skill in the art.

Allowable Subject Matter

The following is a statement of reasons for the indication of allowable subject matter: The subject matter of claims 15-18 are unobvious over the prior art of record because the prior art of record does not teach or suggest a hydrogenation catalyst comprised of palladium metal supported on ZSM5-NH₄, wherein the catalyst contains palladium 0.2 to 10% palladium.

Applicants' amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elvis O. Price whose telephone number is 703 605-1204. The examiner can normally be reached on 8:30 am to 5:00 pm; Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann R. Richter can be reached on 703 308-4532. The fax phone numbers for the organization where this application or proceeding is assigned is 703 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1235.

Elvis O. Price, Ph.D.

January 3, 2003

*ACTING
FOR* 
Johann R. Richter, Ph.D., Esq.
Supervisory Patent Examiner
Technology Center 1600